

SPECK & AANESTAD

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JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

RECEIVED

April 29, 1998

APR 30 1998

Department of Water Resources

Mr. Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

Re: Water Right No. 34-00470A - Lynn D. Reno

Dear Director Dreher:

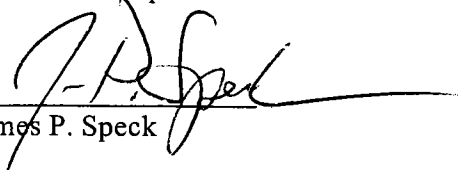
Enclosed you will find a copy of the Order of Partial Decree for Water Right No. 34-00470A. The water right is to be diverted from Warm Springs Creek through what is known as the Upper Fish Hatchery Canal and used on 74 acres belonging to Dr. Lynn D. Reno. The issue of the proper point of diversion for this water right was contested by my clients, David R. Stoecklein, Mary J. Stoecklein, Walter J. Stoecklein, Shelly Stoecklein and Bar Horseshoe Cattle and Livestock Company. We argued that the Upper Fish Hatchery Canal was not the proper point of diversion as water diverted into that Canal was not actually being delivered to the Reno property. Special Master Bilyeu concluded otherwise and issued the Partial Decree.

The 1998 irrigation season has begun and this right is presently being diverted into the Upper Fish Hatchery Canal. However, my clients do not believe it is being delivered to the Reno property. If so, the water right is not being used in conformance with the Partial Decree. We request IDWR investigate this matter. If the water right is not being used on the Reno property, we further request IDWR take appropriate action pursuant to Idaho Code Section 42-351 to require compliance with the Partial Decree.

Please give this matter your immediate attention. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosure
cc: Dave Stocklein, w/encl.
Scott Campbell, w/encl.
Doug Rosencrantz, w/encl.

RECEIVED
FEB 02 1998
SPECK & AANESTAD

1998 JAN 30 PM 4:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

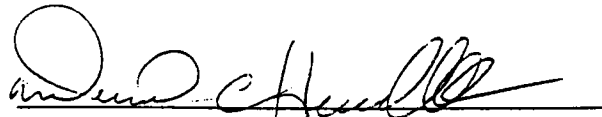
In Re SRBA)	ORDER OF PARTIAL DECREE
)	
Case No. 39576)	For Water Right 34-00470A
_____)	

On December 31, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 34-00470A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 30, 1998.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00470A

1998 JAN 30 PM 4:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: LYNN D RENO
9417 EUCALYPTUS DR
BAKERSFIELD CA 93306

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 1.6 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.96 CFS. COMBINED RIGHT
NOS.: 34-07245B AND 34-13555.

PRIORITY DATE: 04/01/1903

POINT OF DIVERSION: T08N R22E S34 SWNESE Within CUSTER County

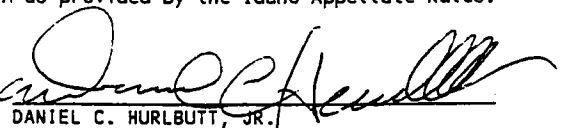
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.6 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R22E S36 NESE 39
R23E S31 Lot 3 (NWSW)35
74 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 74 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 34-07245B AND 34-13555.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

1998 JAN 30 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 34-00470A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-00470A was mailed
on January 30, 1998, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BAR HORSESHOE CATTLE & LIVESTK

Represented by:
JAMES P. SPECK
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

LYNN D RENO

Represented by:
SCOTT L. CAMPBELL
PO BOX 1539
BOISE, ID 83701
Phone: 208-343-5454

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/30/98